UNITED NATIONS **E**

Economic and Social Council

Distr.
LIMITED

E/CN.4/Sub.2/1994/L.44
19 August 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Eide, Mr. Hatano, Mr. Hakim, Mr. Khan, Mr. Maxim
Ms. Palley and Mr. Yimer: draft resolution

Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1993/41 of 28 August 1993, 1992/14 of 27 August 1992 and 1991/12 of 26 August 1991,

Recalling also Commission on Human Rights resolution 1993/77 of 10 March 1993,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations statistics, in excess of one billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness, the loss of livelihood, landlessness, inadequate housing and living conditions and growing levels of poverty,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors,

Aware also that racially motivated and other discriminatory motives are behind a large number of forced evictions,

Emphasizing that ultimate legal responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Mindful of the questions concerning forced eviction included in the guidelines for States' reports submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1991/23, annex IV),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4 (1991) considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Recalling the conclusions and recommendations contained in the analytical report compiled by the Secretary-General on forced evictions (E/CN.4/1994/20), submitted to the Commission on Human Rights at its fiftieth session,

Noting the concluding observations of the Committee on Economic, Social and Cultural Rights at its fifth (1990) to tenth (1994) sessions concerning forced evictions within specific States parties,

Noting also the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper and the first and second progress reports of the Special Rapporteur on promoting the realization of the right to adequate housing, Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15, E/CN.4/Sub.2/1993/15 and E/CN.4/Sub.2/1994/20),

1. Reaffirms that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing;

2. Strongly urges Governments to undertake immediately all necessary measures, at all levels, towards eliminating the practice of forced eviction, in particular those Governments on whose territories forced evictions are currently planned to take place;

3. Also strongly urges Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary legal, administrative and other measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes or needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;

5. Invites all international financial, trade, development and other related institutions and agencies, in particular those associated with the United Nations, to take fully into account the views contained in the present resolution, and pronouncements under international law on the practice of forced eviction;

6. Invites the Committee on Economic, Social and Cultural Rights to consider adopting a general comment on forced evictions with reference to the specific obligations of States parties as contained in the International Covenant on Economic, Social and Cultural Rights, in particular as they relate to the right to adequate food and housing;

7. Invites all country and thematic rapporteurs of both the Sub-Commission and the Commission on Human Rights to include cases of forced eviction in their respective reports and to seek to monitor consistently the practice of forced evictions as they relate to the countries and themes involved;

8. Invites the treaty bodies to examine forced evictions within the context of their respective mandates;

9. Requests the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to address the issue of forced eviction, in particular as a violation of the right to adequate housing, in the agenda, the principles and guidelines and the plan of action to be developed within the framework of the Conference;

10. Requests the Secretary-General, in view of the numerous developments concerning this practice within various programmes of the United Nations, to compile and publish, within the Human Rights Fact Sheet series, a fact sheet on forced evictions and human rights;

11. Requests the Commission on Human Rights to consider how best to proceed with further activities on the question of forced eviction under the agenda item entitled "Realization of economic, social and cultural rights";

12. Requests the Secretary-General, in accordance with paragraph 172 of his analytical report (E/CN.4/1994/20), to prepare a series of guidelines on international events and forced evictions;

13. Decides to consider the issue of forced eviction at its forty-seventh session under the agenda item entitled "The realization of economic, social and cultural rights" and to determine at its forty-seventh session how most effectively to continue its consideration of the issue of forced evictions.

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